

IOWA WORKFORCE DEVELOPMENT
Unemployment Insurance Appeals Section
1000 East Grand—Des Moines, Iowa 50319
DECISION OF THE ADMINISTRATIVE LAW JUDGE
68-0157 (7-97) – 3091078 - EI

JOHN A SAKULIN
1708 – 30TH ST CT NW
CEDAR RAPIDS IA 52405

TEAM STAFFING SOLUTIONS INC
116 HARRISION ST
MUSCATINE IA 52761

Appeal Number: 06A-UI-02648-SWT
OC: 08/07/05 R: 03
Claimant: Appellant (2)

This Decision Shall Become Final, unless within fifteen (15) days from the date below, you or any interested party appeal to the Employment Appeal Board by submitting either a signed letter or a signed written Notice of Appeal, directly to the **Employment Appeal Board, 4th Floor—Lucas Building, Des Moines, Iowa 50319.**

The appeal period will be extended to the next business day if the last day to appeal falls on a weekend or a legal holiday.

STATE CLEARLY

1. The name, address and social security number of the claimant.
2. A reference to the decision from which the appeal is taken.
3. That an appeal from such decision is being made and such appeal is signed.
4. The grounds upon which such appeal is based.

YOU MAY REPRESENT yourself in this appeal or you may obtain a lawyer or other interested party to do so provided there is no expense to Workforce Development. If you wish to be represented by a lawyer, you may obtain the services of either a private attorney or one whose services are paid for with public funds. It is important that you file your claim as directed, while this appeal is pending, to protect your continuing right to benefits.

(Administrative Law Judge)

(Decision Dated & Mailed)

Section 96.5-1-j – Separation from Temporary Employment

STATEMENT OF THE CASE:

The claimant appealed an unemployment insurance decision dated February 23, 2006, reference 05, that concluded he voluntarily quit employment without good cause attributable to the employer. A telephone hearing was held on March 27, 2006. The parties were properly notified about the hearing. The claimant participated in the hearing. Bill Ramsey participated in the hearing on behalf of the employer.

FINDINGS OF FACT:

The employer is a staffing service that provides workers to client businesses on a temporary or indefinite basis. When the claimant was hired, he signed a statement that he would be considered to have voluntarily quit employment if he did not contact the employer within three working days after the completion of a job assignment and request a new assignment.

The claimant worked for the employer from December 6, 2005, to January 4, 2006, on an assignment as a fork lift operator at Maytag Regional. The claimant completed the assignment. He was informed on January 3 that his assignment would be ending after his overnight shift. The representative told him to contact a staffing representative, Sarah Kramer, about another assignment. The claimant tried contacting Kramer several times in the next few days, but she was never available and did not return the messages he left so the claimant began seeking employment elsewhere.

REASONING AND CONCLUSIONS OF LAW:

The unemployment insurance law provides for a disqualification for claimants who voluntarily quit employment without good cause attributable to the employer or who are discharged for work-connected misconduct. Iowa Code sections 96.5-1 and 96.5-2-a.

Iowa Code section 96.5-1-j provides that individuals employed by a temporary agency must contact their employer within three working days after the completion of a work assignment and seek a new assignment or they will be considered to have voluntarily quit employment without good cause attributable to the employer, provided that the employer has given them a statement to read and sign that advises them of these requirements.

The findings of fact show how I resolved the disputed factual issues in this case by carefully assessing of the credibility of the witnesses and reliability of the evidence and by applying the proper standard and burden of proof. The claimant testified credibly about his efforts to contact the person he was instructed to contact about a new assignment. His efforts were reasonable. He has is not subject to disqualification under Iowa Code section 96.5-1-j.

DECISION:

The unemployment insurance decision dated February 23, 2006, reference 05, is reversed. The claimant is qualified to receive unemployment insurance benefits, if he is otherwise eligible.

saw/tjc